

Corporation (“Nuvio”), UniPoint Enhanced Services d/b/a PointOne (“PointOne”), Dialpad Communications, Inc. (“Dialpad”), Vonage Holdings Corporations (“Vonage”), and VoEX, Inc. (“VoEX”) petitioned to receive telephone numbering resources without federal or state certification. Each petitioner states that their situation is either “identical” or “comparable” to SBCIS and, accordingly, should be granted the waiver.²

DISCUSSION

Responsibility for N11 Connections

The MPSC agrees with the Texas 9-1-1 Alliance that granting waivers for numbering resources without the ability to comply with E9-1-1 responsibilities and requirements is a “significant omission.”³ The National Emergency Number Association (“NENA”) commented that “none of the Petitioners mentions E9-1-1 as ‘good cause’” and continued that “(I)t is unacceptable for providers of Voice over Internet (“VoI”) service to continue, for any extended period, the prevalent practice of forwarding calls to 10-digit

the Commission’s Rules Regarding Access to Numbering Resources, CC Docket No. 99-200, March 1, 2005. Vonage Holdings Corp. Petition for Limited Waiver of Section 52.15(g)(2)(i) of the Commission’s Rules Regarding Access to Numbering Resources, CC Docket No. 99-200, March 4, 2005. VoEX, Inc. Petition for Limited Waiver of Section 52.15(g)(2)(i) of the Commission’s Rules Regarding Access to Numbering Resources, CC Docket No. 99-200, March 4, 2005.

² In the Matter of Administration of the North American Numbering Plan, *Order*, CC Docket 99-200, January 28, 2005, ¶4, “To the extent other entities seek similar relief we would grant such relief to an extent comparable to what we set forth in this Order.”

³ Texas 9-1-1 Alliance, Comments, CC Docket 99-200, April 11, 2005, pg. 2.

“administrative lines at Public Safety Answering Points (“PSAPs”) without caller identification or location and with only rudimentary routing.”⁴

The MPSC concurs with the Nebraska Public Service Commission (“NPSC”) that “to connect the consumer to an appropriate PSAP in a manner consistent with Basic 911 should be a minimum requirement of VoIP providers seeking access to numbering resources.”⁵ VoIP and all emerging services must have the technical ability to enable callers to dial 9-1-1 and reach emergency personnel without delay. Without this basic ability, numbering resources should be withheld.

However, each of the remaining N11 designations (2-1-1, 3-1-1, 4-1-1, 5-1-1, and 7-1-1) also connect citizens to important services. The MPSC is concerned that the recent release of the FCC order on implementation of 8-1-1 for contacting state One Call notification systems directs “wireline, wireless, and payphone service providers to provide access” but fails to direct providers of emerging services to provide the same access.⁶ With many residential and business customers moving their telecommunications needs to VoIP service providers, and with VoIP service providers not directed to provide N11 services to these customers, the availability of N11 programs will diminish if VoIP providers are not motivated to provide access.

⁴ National Emergency Number Association, Comments, CC Docket 99-200, April 11, 2005, pg. 2.

⁵ Nebraska Public Service Commission, Comments, CC Docket 99-200, April 11, 2005, pg. 6.

⁶ Sixth Report and Order, *In the Matter of the Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket 92-105, March 14, 2005, ¶4.

State Regulatory Impact

The MPSC also concurs with the Maine Public Utilities Commission's ("MPUC") comment that "The Commission should not underestimate the impact of state commission oversight of the numbering resource allocation process."⁷ State commissions have a vested interest in numbering resource allocation, with staffs reviewing data daily to ensure that each CO Code is required and properly distributed. The allocation of each CO Code puts state commissions closer to area code relief.

The Iowa Utilities Board ("IUB"), the MPUC, and the NPSC all requested, if the Petitions' waivers are granted, that the Petitioners only be allocated numbering resources from rate centers currently in Thousands-block Number Pooling ("number pooling").⁸ It is not a request to limit the Petitioners service areas to metropolitan areas, it is a concern that uncontrolled access to numbering resources will deplete rural area codes.

The MPSC, along with 4 other states, have petitioned the FCC for additional delegated authority to create mandatory number pooling areas from either optional numbering pooling areas or rural rate centers that have

⁷ Maine Public Utility Commission, Comments, CC Docket 99-200, April 11, 2005, pg. 4.

⁸ Iowa Utilities Board, Comments, CC Docket 99-200, April 11, 2005, pg. 3. Nebraska Public Service Commission, Comments, CC Docket 99-200, April 11, 2005, pg. 7.

Maine Public Utility Commission, Comments, CC Docket 99-200, April 11, 2005, pg. 4.

competition within their borders.⁹ Most rate centers, with competition from 2 or more carriers, are already local number portability (“LNP”) capable and, therefore, have the technology to support number pooling. It is essential that prior to permitting additional emerging service providers access to numbering resources, with or without licensure, that the FCC deem rate centers with 2 or more service providers mandatory numbering pooling areas.

CONCLUSION

The MPSC recommends that the FCC deny the requested waivers. In the alternative, the FCC should condition the approval of the waivers with the following actions:¹⁰

⁹ Oklahoma Corporation Commission, Petition, CC Docket 99-200, October 20, 2004.

West Virginia Public Service Commission, Petition, CC Docket 99-200, November 1, 2004. Nebraska Public Service Commission, Petition, CC Docket 99-200, December 1, 2004. Missouri Public Service Commission, Petition, CC Docket 99-200, March 23, 2005. Michigan Public Service Commission, Petition, CC Docket 99-200, April 7, 2005.

¹⁰ Michigan Public Service Commission, Comments, CC Docket 99-200, April 11, 2005. The MPSC requested the FCC to license emerging interstate technologies, implement a mandatory LRN process, publish fine and forfeiture information, and allow the NANC’s FON IMG to continue discussions.

1. A determination that direct access to numbering resources should be based on customer ability to reach the appropriate PSAP consistent with Basic 9-1-1.
2. A determination that rate centers with two or more service providers be mandatory number pool areas.

Respectfully submitted,

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